



TEXAS JUVENILE JUSTICE DEPARTMENT

Response to the Independent Ombudsman First Quarter Report, FY 2020 February 26, 2020

The Texas Juvenile Justice Department (TJJD) has received the FY 2020 First Quarter Report from the Office of the Independent Ombudsman (OIO), and appreciates this opportunity to respond.

Texas Model updates

Full Texas Model implementation, which officially kicked-off at the beginning of this reported quarter, is underway at the secure facilities and halfway houses. The Texas Model implementation team continues to train staff at the halfway houses and secure facilities. In addition to the agency-wide implementation team, TJJD has begun hiring Texas Model mentors at each secure facility. These staff will provide more support for the direct care staff at the facilities and will be able to replicate the mentoring the implementation team provides.

TJJD also continues to focus on preparing for the next legislative session, and the planning for the legislative appropriation request is underway. At the core of the strategic and appropriation request planning, TJJD is re-emphasizing its goals as laid out prior to the last legislative session. TJJD is committed to stabilizing the current juvenile justice system. This includes providing the county probation departments the necessary resources to treat the youth at the local level, as well as stabilizing the state facilities so the Texas Model can build off a solid foundation. Although the requests are still being drafted, TJJD will again ask for more probation resources, funding to increase trauma-informed practices, and funds necessary for the state to achieve PREA compliant staffing levels.

Staffing

The OIO states its concern about high staff turnover rates and staff shortages. Staffing has been an issue at TJJD for quite some time. Data shows a precipitous decline in staffing strength since fiscal year 2016. However, TJJD is cautiously optimistic of the recent hiring trends and efforts, and has seen months with net gains in the staffing level. Many factors contribute to the high turnover rate, but TJJD continues to focus on bringing additional staff in to help offset the number of staff who leave.

The OIO has highlighted shortages at the Mart facility in its monthly reports. Since the start of this fiscal year, TJJD conducted specifically pointed hiring efforts for this facility. These efforts are still ongoing, and it is still too early to tell the long-term success; however, this facility has seen significant improvements. At the beginning of the first quarter, the Mart facility had an 83% filled staffing rate, and at the time of this report's publication, the Mart facility is at a 96% filled

staffing rate. The Ron Jackson facility was also able to raise the filled staffing rate from 83% at the beginning of this quarter to 103% filled at the time of this report. While the number of staff available at any given time still fluctuates due to staff in training, on FMLA, and calling in sick, TJJD will continue to focus on hiring to fill the positions at the facilities.

Incident Reporting

The OIO also highlighted an increase in youth on staff assaults at the Ron Jackson, Evins, and Gainesville facilities. TJJD is committed to holding the youth accountable for their actions, and the agency has zero tolerance for aggression that seriously injures staff and youth. First, at the Evins facility, there was a 26% decrease in all youth on staff assaults or unauthorized contact from fourth quarter FY 2019 to first quarter FY 2020, and a 44% decrease in injurious assaults on staff (from 34 in Q4 to 19 in Q1). At Gainesville, while there was a 49% increase in incidents coded as assault or unauthorized contact on staff from the fourth quarter FY 2019, there was a 33% decrease in the assaults causing bodily injury on staff during the same period (from 18 in Q4 to 12 in Q1). Ten youth accounted for nearly 60% of all assaults or unauthorized contact on staff at the Gainesville facility. TJJD regularly refers the most aggressive youth to the Phoenix program, and of those ten youth one youth was transferred to TDCJ and one has additional pending adult charges.

Ron Jackson saw a 10% increase in assaults or unauthorized contact on staff from the previous quarter. However, assaults on staff with injury peaked in September 2019 with 15 during that month. Overall, the increase from Q4 (20) to Q1 (29) shows an increase of 45%. During the first quarter, TJJD created a female Phoenix unit where the most violent and aggressive female youth may be referred into. This unit operates the same way as the male Phoenix unit, and the youth are provided more intensive interventions to address their aggressive behavior. Thus far, in the first two months of Q2 there have been 9 reports of staff assault with injury compared with 29 for the three months of Q1. Of the eight youth who committed 60% of injurious staff assaults, five were referred to the new Phoenix unit, one was eventually transferred to TDCJ, one was recommitted to TJJD for a new offense, and one has pending adult charges.

The OIO attributes the increase in aggressive incidents, in part, to an increasing gang culture at the state secure facilities. It is true that there are youth whose gang affiliation leads them to act out aggressively and lead others to do so. However, we cannot discount other causes for youth violence. TJJD is undergoing a review of our entire process around violence intervention—both from the standpoint of organized or gang activity and other causes. TJJD is reviewing the gang intervention programming, including detection, prevention, treatment, and training for our staff; will make interim changes where possible; and will have a new multi-layered gang intervention program in the summer of 2020.

In conjunction with this initiative, TJJD is implementing a new violence intervention continuum. Structure is at the heart of the Texas Model, and providing the youth predictable and immediate accountability is crucial for their success and for the safety and security of the majority of youth who do not engage in violent activities. In this continuum, on the first incident where a youth causes bodily injury to another or likely could have done so, they will be referred to the intensive intervention program. This program will replace the redirect program and will provide more

pointed behavior modification interventions for the youth. If youth continue to engage in this behavior, they will be referred to the Phoenix program (which is being expanded), determinate sentenced youth will have their information reviewed for possible referral back to court, and TJJD will work closely with the office of inspector general and special prosecution unit on any new charges that may arise.

TJJD will continue to monitor all incident trends at each facility to identify issues and administer corrective actions where necessary. TJJD will hold youth accountable for their aggressive incidents, and as the agency works through new programming, we will rely on the partnership with the OIO and will keep the OIO apprised of the agency's response to incidents.

TJJD appreciates the opportunity to respond and provide an update to this OIO Report.